

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Alexander D. Knisley,**

*Plaintiff,*

**v.**

**Case No. 3:16-cv-033  
Judge Thomas M. Rose**

**Tom Schietzer, Warden,  
Lebanon Correctional Institution,**

*Defendant.*

---

**DECISION AND ENTRY ADOPTING REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE  
MERZ (DOC. 8), OVERRULING PETITIONER'S OBJECTIONS TO THE  
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 9),  
DENYING MOTION FOR RECONSIDERATION. (DOC. 7). THE CASE  
REMAINS CLOSED.**

---

Pending before the Court are Plaintiff Alexander D. Knisley's Objections to the Magistrate's Report and Recommendations. (Doc. 9). The Report and Recommendations of United States Magistrate Judge Michael M. Merz, (Doc. 8), recommends that the Court deny Knisley's Motion for Reconsideration. (Doc. 7).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (Doc. 9), to the Magistrate Judge's Report and Recommendations, (Doc. 8), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Motion for Reconsideration. (Doc. 7). Because reasonable jurists would not disagree with the Magistrate

Judge's recommendation, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*. The case remains **CLOSED**.

**DONE** and **ORDERED** this Monday, July 18, 2016.

s/Thomas M. Rose

---

THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE